

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re: Wittkotter
Appl. No.: 10/071,544
Filed: February 9, 2002
For: APPARATUS AND METHOD FOR THE DECRYPTION
OF AN ENCRYPTED ELECTRONIC DOCUMENT
Confirmation No.: 9884
Group Art Unit: 2132

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OFFICE OF PETITIONS

BOX DAC
Commissioner for Patents
Washington, DC 20231

**PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. 365(c) OF A
PRIOR COPENDING INTERNATIONAL APPLICATION DESIGNATING THE
UNITED STATES OF AMERICA
(37 C.F.R. § 1.78(a)(3))**

Sir:

Applicant hereby petitions in accordance with § 1.78(a)(3), to claim the benefit, for this application under 35 U.S.C. 365(c), of International Application No. PCT/EP01/06263, with an international filing date of June 1, 2001, designating the United States.

Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph 37 C.F.R. § 1.78 (a)(2) and the date this claim is filed was unintentional.

Statement In Support of Unintentional Delay

Applicant filed PCT/EP01/06263, on June 1, 2001, designating the United States, and claiming priority to German patent application 10028265.2, filed June 9, 2000. On February 9, 2002, before the 20-month deadline for entering the national phase, the pro se Applicant filed an application with the United States Patent and Trademark Office ("USPTO") using forms available on the USPTO website.

Applicant filed a Declaration with the application listing the German priority document and the PCT application. The pro se Applicant did not make a claim or otherwise designate the U.S. application as a continuation of the PCT application on the Utility Transmittal Sheet or by way of a Preliminary Amendment. Pro se Applicant further filed an English translation that

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included the heading "Cross-Reference to Related Applications" and that incorrectly indicated that the heading was "Not Applicable."

This file was recently transferred to our law firm for prosecution. Upon an initial review of the file, it was noted that this application may not be considered a continuation of the PCT application as the Applicant intended. However, the prosecution file evidences that this application was intended to claim priority to the PCT application in that it was timely filed before the end of the 20 month deadline for entering the national phase and that the applicable priority documents were listed on the Declaration filed with the application.

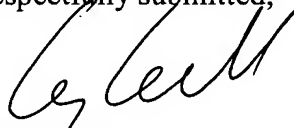
The surcharge fee set forth in 37 CFR §1.17(t) of \$1,300.00 is paid as follows:

- ☒ check enclosed
☐ authorization to charge deposit account 16-0605

Any additional fee may be charged or any overpayment credited to our Deposit Account No. 16-0605.

For your convenience, a Preliminary Amendment to the specification indicating the priority being requested is enclosed.

Respectfully submitted,


Guy R. Gosnell
Registration No. 34,610

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"Express Mail" Mailing Label Number 215013916US
Date of Deposit: February 20, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box DAC, Commissioner for Patents, Washington, DC 20231.


Kay Costanza

CLT01/4577781v1